

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

NIJINSKI TYWON MURPHY

§

VS.

§

CIVIL ACTION NO. 9:18cv169

STATE OF TEXAS

§

ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Nijinski Tywon Murphy, an inmate at the Hughes Unit of the Texas Department of Criminal Justice, Institutional Division, proceeding *pro se*, filed the above-styled civil rights lawsuit. The Court previously referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for consideration pursuant to applicable orders of this court. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending this lawsuit be dismissed for failure to state a claim upon which relief may be granted.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Plaintiff filed objections to the Report and Recommendation.

The Court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After careful consideration, the court is of the opinion the objections are without merit. Plaintiff seeks money damages for three allegedly improper criminal convictions. However, as plaintiff has not demonstrated the convictions have been reversed on appeal, expunged by executive order or called into question by a federal court's issuance of a writ of habeas corpus, and as a finding in his favor would imply the convictions are invalid, he is not entitled to relief in this proceeding. *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994).


ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A

final judgment shall be entered dismissing this lawsuit.

So Ordered and Signed

Aug 20, 2019

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, Senior District Judge